

EXHIBIT II



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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

of the polymer, the Applicants are hereby burdened to show that the claimed biodegradation time of Ron et al is outside the claimed range.

With regard to claims 32 and 33, the residual monomer and solvent amount are not specified by Ron et al. However, since these measured properties are present in Ron et al to some extent, the Examiner hereby burdens Applicants to show that the amount present in the Ron et al material is outside the claimed range via comparative testing.

Claims 21-25 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scopelianos et al (EP 0711794) in view of Orly et al (WO 93/13755). Scopelianos meets the claim language except fails to disclose a gelation material for the liquid portion; see the entire document. However, Orly teaches that the use of a gelation material was known to the art; see the abstract. Hence, it is the Examiner's position that it would have been obvious to use the gelation material with other liquid components of Scopelianos to form a gel for the same reasons that Orly does the same and in order to improve the injection properties.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ron et al in view of Sander et al (US 5,356,629). Ron et al meets the claim language except for the type of surfactants claimed. Sander, however, teaches that it was known to add "Pluronic" to similar implant materials; see column 5, lines 42-60. Hence, it is the Examiner's position that it would have been obvious to incorporate Pluronic into the Ron material for the same reasons that Sander does the same.